

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JUNE 16, 1999  
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Hitchcock, Mann, Nakanishi, Pennino and Land (Mayor)

Absent: Council Members – None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima, Community Development Director Bartlam, Finance Director McAthie, City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Pastor Bo Crow, Congregational Christian Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Webelos Cub Scout Troop No. 295.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Following introduction of the matter, the City Council, on motion of Mayor Land, Nakanishi second, unanimously made the following reappointments/appointments to various boards and commissions:

**East Side Improvement Committee**

Ruth Gastelum-Jimenez	Term to expire March 1, 2000
Joseph Spinelli	Term to expire March 1, 2001
Mark Gisler	Term to expire March 1, 2002

**Library Board**

Don Shephard	Term to expire June 30, 2002
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**Lodi Arts Commission**

Theo Vandenberg	Term to expire July 1, 2002
Jennifer Walth	Term to expire July 1, 2002

**Planning Commission**

Randy Heinitz	Term to expire June 30, 2003
Steven Crabtree	Term to expire June 30, 2003

**Site Plan and Architectural Review Committee (SPARC)**

Roger Stafford	Term to expire January 1, 2004
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Mayor Land took this opportunity to introduce the newly-appointed board members and presented each with a City of Lodi pin.

- b) Mena Khan with the Greater Lodi Area Youth Commission acknowledged the Teen of the Month, Frances Richardson from Bear Creek High School, and the Honorary Teen of the Month, Jennifer Ibarroleza (who was unable to attend the meeting) from Tokay High School.

*Continued June 16, 1999*

- c) Mayor Land presented the June Community Improvement Award to Maheshinder S. & Anupam Sidhu, property owners and proprietors of El Tokay Market, located at 548 South Sacramento Street, Lodi.
  - d) Dorean Rice with the Lodi-Tokay Rotary Club made a presentation to the City Council regarding the Oooh Ahhh Festival.
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5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Hitchcock second, unanimously approved the following items hereinafter set forth **except those otherwise noted (Council Member Mann abstained from discussion and voting on item #E-16)**:

- a) Claims were approved in the amount of \$4,137,445.81.
- b) The minutes of June 2, 1999 (Regular Meeting) were approved as written.
- c) Approved the specifications for a supply contract for various items of overhead and underground distribution hardware for the fiscal year ending June 30, 2001 and authorized advertisement for bids.
- d) Agenda item #E-4 entitled, "Advertisement for bids for Peterson Park restroom facility" was pulled from the agenda pursuant to staff's request.
- e) Agenda item #E-5 entitled, "Plans and specifications and advertisement for bids for destruction of eight water wells, East Lodi Avenue" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- f) Approved the specifications for 10,000 feet of #2/0 and 20,000 feet of #2AWG 15kV primary underground conductor for the Electric Utility Department and authorized advertisement for bids.
- g) Adopted Resolution No. 99-82 awarding the bid for the purchase of one material handling bucket truck to the low bidder meeting specifications, Altec Industries, Inc., Dixon, CA, in the amount of \$197,645.83 and authorized the transfer of additional funds for this purchase as recommended by staff.
- h) Adopted Resolution No. 99-83 awarding the bid for the purchase of one Digger-Derrick Truck to the low bidder, Altec Industries, Inc., Dixon, CA, in the amount of \$189,180.00 and authorized the transfer of additional funds for this purchase as recommended by staff.
- i) Adopted Resolution No. 99-84 approving the recommendation to award the protective relay test set to the low bidder, Omicron Electronics, Corp. USA, Houston, TX, in the amount of \$44,258.31.
- j) Adopted Resolution No. 99-85 accepting the development improvements for Millsbridge, Tract No. 2788.
- k) Accepted the improvements under the "Guild Avenue Street Improvements, Vine Street to 660 Feet North of Vine Street" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.

- l) Approved the Improvement Deferral Agreement for 724 Willow Avenue and 2121 West Cochran Road, and authorized the City Manager and City Clerk to execute the agreement on behalf of the City.
  - m) Agenda item #E-13 entitled, "Authorize City Manager to submit Transportation Enhancement Act (TEA) Project Applications to San Joaquin County Council of Governments (SJCOG) and Caltrans" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
  - n) Adopted Resolution No. 99-87 approving a Public Benefits Program (PBC) grant in the amount of \$3,920 for the Lodi Community Service Center.
  - o) Adopted Resolution No. 99-88 to continue the purchase of budgeted desktop computers, in aggregate amounts of \$15,000 or less, from either Micron Electronics or Dell Computers, under CMAS contracts awarded to each by the California Department of General Services (DGS). Such purchases would continue to be made without further bidding, and the City Council would continue to receive quarterly reports of purchases under this resolution.
  - p) Adopted Resolution No. 99-89 granting permission to Lodi Police Department to enter into an agreement with San Joaquin County, through its Data Processing Division, for fiscal year 1999-2000, to provide data processing services and access to Automated Message Switching/CJIS Systems (the contract must be signed prior to July 1, 1999 in order for the services to continue without interruption). **(Due to a conflict of interest, Council Member Mann abstained from discussion and voting on this matter.)**
  - q) Adopted Resolution No. 99-90 supporting Animal Friends Connection's grant application from the Duffield Foundation, Maddie's Fund.
  - r) Set Public Hearing for July 21, 1999 to consider a resolution to adjust the Supplemental Specific Area Fee for the Kettleman Lane Lift Station Service Area.
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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-5 entitled, "Plans and specifications and advertisement for bids for destruction of eight water wells, East Lodi Avenue".

Public Works Director Prima informed the City Council that this project consists of the abandonment and destruction of eight privately-constructed agricultural wells now owned by the City of Lodi. These wells are located on the East Lodi Avenue property acquired by the City as part of the economic development plans for Guild Avenue. These wells must be destroyed prior to the development of the parcels.

These wells vary in depth from 50 feet to 300 feet and were primarily used for flood irrigation. Some of the wells have not been used in years. The oldest well dates from the 1930's. These wells are of no economic value to the City, hinder the development of the property, and legally must be destroyed.

Council Member Nakanishi posed various questions to staff regarding the matter. Following a brief discussion, the City Council, on motion of Council Member Nakanishi, Hitchcock second, unanimously approved the plans and specifications for destruction of eight water wells, East Lodi Avenue, and authorized advertisement for bids.

- b) Agenda item #E-13 entitled, "Authorize City Manager to submit Transportation Enhancement Act (TEA) Project Applications to San Joaquin County Council of Governments (SJCOG) and Caltrans".

Public Works Director Prima presented the following report.

The City of Lodi Public Works Department, in cooperation with the Electric Utility and Parks and Recreation departments, recommends submitting four Transportation Enhancement Act (TEA) applications for landscaping to San Joaquin Council of Governments (SJCOG) and Caltrans for the following projects in order of priority:

1. Lodi Lake Bicycle Path Landscaping (to SJCOG)
2. Gateway Landscaping Project
  - A. Hutchins Street Median Landscaping (to SJCOG)
  - B. Lower Sacramento Road Median Landscaping (to SJCOG)
  - C. Highway 99 Landscaping (to SJCOG)
3. Beckman Ditch Bike Path and Landscaping (to Caltrans and SJCOG)
4. Kettleman Lane Median Landscaping (to Caltrans and SJCOG)

Lodi Lake Bicycle Path Landscaping

The City of Lodi has submitted a Bicycle Lane Account Application to Caltrans to fund the construction of the bicycle path. Measure K Noncompetitive Bicycle Funds will be used for this project also. The Federal Transit Administration will pay for improvements at the entrance to the Lodi Lake where a new bus shelter will be installed. The TEA application to SJCOG for landscaping will be for \$200,000.

Gateway Landscaping Project (Total Project Cost: \$820,000)

- Hutchins Street Median Landscaping

The City of Lodi Public Benefits Program is comprised of four main components: 1) demand-side management, 2) assistance for low-income customers, 3) research, design and development, and 4) renewables. This particular project is considered a demand-side management, as well as a research, design and development project due to the tree planting aspect of this project.

Research has shown that planting trees, which produce significant shade benefits, actually reduces the temperature of what is commonly referred to as the "urban heat island". In this case, the shade generated by the trees would reduce the heat along Hutchins Street from Kettleman Lane to Harney Lane. The heat is produced by the sun's rays and then magnified once coming in contact with asphalt, concrete, and metal. By planting trees that will shade these surfaces from the sun, the overall ambient temperature in a given area is reduced, creating a "cooler zone" in our community. Existing examples of these "cooler zones" in Lodi include: Pine Street (from Ham Lane to Cherokee Lane), and Lodi Lake to name just a couple. The estimate to landscape the median is \$135,000. The local match will be \$25,000 from the Public Benefits Account.

- Lower Sacramento Road Median Landscaping (from Taylor Road to Turner Road)

The Lower Sacramento Road project is in design at this time. The estimated landscaping costs are \$620,000. The local match would be TDA and Measure K funds which are already allocated to the project.

- Highway 99 Landscaping (north and south ends of town)

The estimated landscaping cost is still being developed.

Beckman Ditch Bike Path and Landscaping

This project will help with runoff water pollution control, would construct an eight-foot bike path that would be separated from vehicular traffic, and provide scenic beautification to the Beckman Ditch. Preliminary estimate is \$510,000.

Kettleman Lane Median Landscaping (from Hutchins Street to Ham Lane)

This project will be submitted to SJCOG and Caltrans. This median is being constructed as part of the Kettleman Lane/Crescent Avenue traffic signal project. The estimated cost for landscaping is \$140,000.

Council Member Pennino expressed concerns regarding the Hutchins Street Median Landscaping project, stating that the local match of \$25,000 for the shade trees should not come from the Public Benefits Account as he felt this would be an inappropriate use of these funds.

Following additional discussion, the City Council, on motion of Council Member Hitchcock, Land second, adopted Resolution No. 99-86 authorizing the City Manager to submit TEA Project applications to SJCOG and Caltrans by the following vote:

Ayes: Council Members – Hitchcock, Mann, Nakanishi and Land (Mayor)

Noes: Council Members – Pennino

Absent: Council Members – None

7. PUBLIC HEARINGS

None.

8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Pennino, Nakanishi second, unanimously rejected the following claims:

1. Todd Williams, date of loss 5/1/99
2. Theresa Pearson, date of loss 12/24/98
3. Pacific Bell, date of loss 1/7/99
4. Deanna Griffen, date of loss 3/17/99

- b) The following report was presented to the City Council:

1. Planning Commission report of May 26, 1999

9. REGULAR CALENDAR

- a) Agenda item #H-1 entitled, "Adopt 1999-2001 Operating and Capital Improvement Budgets and the 1999-2001 Appropriations Spending Limit".

Deputy City Manager Keeter reminded the City Council that the City Manager presented the budget preparation calendar for the 1999-01 Operating and Capital Improvement Budget process to the City Council on December 8, 1998 at a Shirtsleeve Session. Additional meetings were held on December 15, 1998, January 5, January 14, January 26, February 3, April 6, May 4, May 11, May 18, May 25, June 1, June 8 and June 15, 1999.

During these Shirtsleeve meetings, City staff reviewed the Council goals and objectives, the Council accomplishments, and the City Manager recommended adjustments to the operating and capital improvement budgets.

Deputy City Manager Keeter reviewed the summary of the Operating Budgets by activity, the adjusted recommended significant expenditures and staffing changes, and the *Changes in Fund Balance – All Funds Combined*.

As adopted in the City Council's Budget Policies, the annual appropriation for capital projects is based on the projects designated by the City Council. The adoption of the projects listed in the 1999-01 Capital Improvement Budget and Equipment Replacement Budget does not automatically allocate funding for a specific project or equipment purchase. The appropriation is made to a capital control account and held there pending specific authorization to release and appropriate funds to a project account.

Council Member Hitchcock suggested that a goal be included in the document, which would be to "attract, retain and invest in a quality workforce". Discussion followed regarding the proposal, and it was suggested that this matter be presented at a future Shirtsleeve Session. Council Member Nakanishi further suggested that each Council Member propose his or her own list of goals. Other Council Members indicated that the *Policies And Objectives* section of the proposed budget covered the intent of this recommendation.

Comments were made by each member of the City Council regarding the proposed budget. It was pointed out that it is a "working document" and that any expenditure contained therein over \$5,000 would be brought back to the Council for approval.

Council Member Hitchcock voiced her concerns about the \$17 million Public Safety Building Project being included in the budget, stating that she wanted more details before earmarking it in the budget. A lengthy discussion followed with other members of the Council indicating that the project and the financing mechanism for it would come up for further review in the future and that the item was merely a "placeholder" in the budget.

Discussion followed regarding possible funding avenues for the proposed project. Council Member Pennino spoke about the phasing of the Public Safety Building Project and the Municipal Service Center Expansion, which could defer capital expenditures for one year.

Following additional discussion, the City Council, on motion of Mayor Land, Nakanishi second, adopted Resolution No. 99-91 entitled, "A Resolution Of The Lodi City Council Adopting The 1999-2001 Operating And Capital Improvement Budgets For The Fiscal Year Beginning July 1, 1999 And Ending June 30, 2001, And Further Approving The 1999-2000 Appropriation Spending Limit" by the following vote:

Ayes: Council Members – Mann, Nakanishi, Pennino and Land (Mayor)

Noes: Council Members – Hitchcock

Absent: Council Members – None

- b) Agenda item #H-2 entitled, "Introduction of ordinance establishing the Redevelopment Agency of the City of Lodi".

City Attorney Hays reported that following a previous presentation to Council regarding the implementation of a Redevelopment Agency, Council directed staff to work toward such establishment. The introduction of this ordinance is the first statutory step to such establishment. Once the ordinance has been adopted and is effective, the Agency will be in place. At that time, administrative and procedural elements of the Agency will be presented for consideration by the Council and the Agency.

Speaking on the matter were the following persons:

1. Janet Pruss, 2421 Diablo Drive, Lodi, stated that she realizes Redevelopment Agencies in some areas have had a long hard road and asked why the City thinks Lodi should go forward with a Redevelopment Agency. Community Development Director Bartlam and City Attorney Hays indicated that the adoption of the proposed ordinance is the initial step in establishing a Redevelopment Agency in Lodi and gave a brief overview of the process.
2. John Talbot, 800 Maplewood Drive, Lodi, spoke about the right to hold property and his concerns regarding the eminent domain powers a Redevelopment Agency would have. Mr. Talbot stated that it is his understanding that a Redevelopment Agency has the right to declare property in the redevelopment area as "blight" and, thereby, take it through the eminent domain procedures. Mr. Talbot strongly recommended that the City Council oppose this plan to study a redevelopment agency.

Council Member Nakanishi stated that following a significant study regarding this subject, he would not be voting in favor of the ordinance as he is concerned about decisions that could be made by future City Councils should a Redevelopment Agency be formed in Lodi.

Following additional discussion regarding the matter, the City Council, on motion of Mayor Land, Hitchcock second, introduced Ordinance No. 1675 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Title 2 – Administration And Personnel Of The Lodi Municipal Code By Adding Chapter 2.52 Declaring The Need For A Redevelopment Agency To Function In The City Of Lodi And Declaring The City Council To Be The Redevelopment Agency For The City Of Lodi" by the following vote:

Ayes: Council Members – Hitchcock, Mann, Pennino and Land (Mayor)

Noes: Council Members – Nakanishi

Absent: Council Members – None

10. ORDINANCES

None.

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Bob Johnson, 1311 Midvale Road, Lodi, stated that for nearly two years the Woodbridge Irrigation District (WID) has been working toward the construction of a new dam and fish barrier on the Mokelumne River. Mr. Johnson reported that he had just learned today, while attending a Water Advisory Commission Meeting, that this project has now been put on the back burner. Mr. Johnson asked that the City Council take an active stand in supporting the matter and suggested that the Mayor write a letter of support to Congressman Pombo requesting that this project go forward.

12. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Hitchcock thanked the City Clerk, her staff and the group of volunteers who did such a beautiful job in planning and preparing the City Council dinner that was auctioned off for \$10,000 to benefit the Lodi Boys and Girls Club.

Council Member Hitchcock reported that she attended a meeting with Police Chief Hansen and representatives of Lodi massage parlors regarding the proposed massage ordinance that was recently brought before the City Council. Council Member Hitchcock stated that Chief Hansen did a wonderful job of conducting this meeting.

*Continued June 16, 1999*

Council Member Hitchcock apologized to Tony Trassare for a comment she made to him following his remarks at the May 19, 1999 Public Hearing regarding the proposed massage ordinance and applicable fee schedule.

- b) Council Member Nakanishi shared how very impressed he was at the Teen Lead Graduation he recently attended. Council Member Nakanishi stated that it is his understanding that Council Member Pennino was instrumental in the formation of the Lodi Youth Commission and applauded him for his ongoing efforts on its behalf.
- c) City Manager Flynn invited the community to attend *A&W Rootbeer's* 80<sup>th</sup> Anniversary celebration being held Saturday, June 19, 1999. The World Record Root Beer Float will be made that day with all proceeds going to support Lodi youth groups. The event will be held at Pine and School streets between 11:00 a.m. and 2:00 p.m. It was noted that Lodi is the birthplace of *A&W Rootbeer*.

City Manager Flynn passed out fliers announcing the upcoming Farmers Market. The Farmers Market will be held weekly on Thursday evenings from 4:00 p.m. to 8:00 p.m. from June 24<sup>th</sup> through September 9<sup>th</sup>.

City Manager Flynn and Finance Director McAthie announced that the City's new utility billing system would be introduced over the July 4<sup>th</sup> weekend.

- d) Council Member Pennino once again stated that he feels the late fees the City is charging its Lodi electric customers is awful. He believes the City is taking \$600,000 from the wrong people, those who can least afford it.

13. CLOSED SESSION

Mayor Land adjourned the City Council meeting at 9:10 p.m. to a Closed Session to discuss the following matters:

- a) Actual litigation: Government Code §54956.9(a). One case. *Fireman's Fund Insurance Company v. City of Lodi, et al.*, United States District Court, Eastern District of California Case No. CIV-S-98-1489 LKK PAN
- b) Prospective lease of City property (400± acres adjacent to White Slough Water Pollution Control Facility); the negotiating parties are ProStyle Sports and the City of Lodi; price and terms are under negotiation
- c) Conference with labor negotiator, Human Resources Director Joanne Narloch, regarding Lodi Police Officers' Association (LPOA) pursuant to Government Code §54957.6)
- d) Prospective offer to purchase City property at 130 West Elm Street; the negotiating parties are Anthony and Edward Barkett and the City of Lodi; price and terms are under negotiation. Government Code §54956.8
- e) Prospective lease of City property at 2 East Pine Street in association with the Downtown Park and Ride Structure; the negotiating parties are Anthony and Edward Barkett and the City of Lodi; price and terms of the lease are under negotiation. Government Code §54956.8

14. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 11:00 p.m., and Mayor Land disclosed that there were no final actions taken in these matters.



*Continued June 16, 1999*

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Land adjourned the meeting at approximately 11:00 p.m.

ATTEST:

Alice M. Reimche  
City Clerk